



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 12 2018

The Honorable Blake Farenthold
Chairman, House Oversight and Government
Reform S/C on the Interior, Energy, and Environment
Washington, DC 20515

Dear Chairman Farenthold:

Enclosed are responses to questions received by Deputy Secretary of the Interior David Bernhardt following his November 29, 2017, appearance before your Subcommittee at the hearing titled "Regulatory Reform Task Forces Check-In: Part III."

A similar letter has been sent to Chairman Palmer of the Subcommittee on Intergovernmental Affairs. Thank you for the opportunity to provide this material to the Subcommittee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Stacey E. Plaskett, Ranking Member, Subcommittee on the Interior,
Energy, and Environment

✓ The Honorable Val Butler Demings, Ranking Member, Subcommittee on
Intergovernmental Affairs

Questions from Rep. DeSaulnier

Deputy Secretary Bernhardt, you mentioned that you are currently recused from some matters related to former clients, and described a robust ethics process to ensure that conflicts of interest are avoided.

- **Is that recusal, or those recusals, in writing?**

Response: Yes.

- **Can you provide any such recusal or agreement, and any related documents, to this committee as part of your responses for the record?**

Response: Yes, I take the commitment I made when I signed my ethics agreement very seriously and, as I committed in that document, I will avoid participating personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or my former firm represents a party for a period of one year after I last provided service to that client.

- **Will you commit to promptly informing this committee if you seek any waiver or alteration of any recusal?**

Response: I take my ethical obligations very seriously. I have not sought any ethics waivers, and I have no present intention to do so. I have no obligation to report a request for a waiver to the Committee.

- **In the event that you are recused from participating in a decision or process, who assumes your role?**
 - **Is there a formal process to determine who steps in?**

Response: The answer to your question could vary depending on the particular factual and legal situation as well as the specific parties involved in any hypothetical, underlying matter.

As we discussed, the Interior Department continues to review several matters that are important to your former clients:

- **Have you been engaged in any meetings or conversations relating to Secretary Zinke's review of the Mojave Trails National Monument?**

Response: No.

- **Have any members of the staff in the Deputy Secretary's office, including Associate Deputy Secretary James Cason, participated in any meetings relating to the Cadiz water project in California or BLM Instruction Memorandum No. 2014-122, Evaluation and Approval of Uses within Railroad Rights-of-Way?**

Response: I do not personally know the extent of Associate Deputy Secretary Cason's involvement, if any, with the referenced instruction memorandum.

- **Since returning to the Department of the Interior, have you had any contact – including in person, by telephone, or by email – with Norman Brownstein, Luke Johnson, or Lawrence Jensen?**

Response: Since taking the oath of office, I have not had any contact with the referenced individuals regarding any particular matters involving specific parties in which they are or represent a party.

- **Since arriving at the Department of the Interior, have you participated in any meetings or conversations relating to the proposed Rosemont copper mine in Arizona?**

Response: No.

- **Have you discussed or participated in any matter that would affect the Westlands Water District, including regarding drainage issues in the Central Valley Project's San Luis Unit, CVP water contracts, or the quantity or prices of water delivered by the CVP?**

Response: Consistent with my ethical obligations, I have not participated personally or substantially in any particular matter involving specific parties in which Westlands Water District was a party.

Regarding transparency at the Department:

- **Secretary Zinke's meeting and travel schedules have been posted on the Department of the Interior's website, pursuant to Freedom of Information Act requests. Similar requests have been made for your meeting and travel schedules. Will you post your meeting and travel schedules on the DOI website and share them with the Committee?**

Response: I have consistently provided my schedules to requesters consistent with my legal obligations, and I will continue to do so.